

**REGULAR THIRD TUESDAY DECEMBER 2021, MEETING  
OF THE MAYOR AND BOARD OF ALDERMEN**

**BE IT REMEMBERED** that Tuesday, December 21, 2021, being the third Tuesday of said month and the day fixed by Board order for holding the third monthly meeting, said meeting was held in the Boardroom in the Municipal Complex at 909 River Road in the Town of Tunica, Mississippi, beginning at 3:00 p.m. with the following present or absent as indicated below:

<b>Mayor Andrew T. Dulaney</b>	<b>Present</b>
<b>Alderman Lee B. Turner</b>	<b>Present</b>
<b>Alderman Valerie Hartsfield</b>	<b>Absent</b>
<b>Alderman Rebecca P. Fyfe</b>	<b>Present</b>
<b>Alderman Adam Fullilove</b>	<b>Present</b>
<b>Alderman Daniel M. Pierce</b>	<b>Present</b>
<b>Town Clerk Kate Scott Pennock</b>	<b>Present</b>
<b>Town Attorney Richard W. Ryals, II</b>	<b>Present</b>
<b>Police Chief Kevin Hatton</b>	<b>Present</b>
<b>Operations Manager Thomas J. Robinson, III</b>	<b>Present</b>
<b>Town Chaplain Danny Smith</b>	<b>Absent</b>
<b>*Via telephone.</b>	

**Others in attendance are listed on the attendance sheet.**

**APPENDIX A – ATTENDANCE SHEET**

**Mayor Dulaney called the meeting to order and led in the pledge of allegiance. Mayor Dulaney advised that Mr. Smith was not able to attend the meeting due to a prior conflict. With this, Alderman Turner led in prayer. Additionally, Mayor Dulaney advised that Alderman Hartsfield is ill. She has offered to call in if she is needed.**

**The Board considered the minutes from the December 7, 2021, meeting. Alderman Pierce moved to approve the minutes as written and previously provided to the Board of Aldermen. Alderman Turner seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.**

**REPORTS:**

- Police Report: Chief Hatton reported for the Police Department. As part of his report, Chief Hatton advised that he had nothing out of the ordinary to report at this meeting. Chief Hatton advised that he has two proposed new hires for the Board to consider later in the meeting.**
- Public Works: Thomas J. Robinson reported on public works and other operations. Generally, all is going fine. Primarily, the crews are working on holiday garbage collection as well as working to keep the leaves picked up & ditches cleaned/open for when rain sets in.**
- Tunica Mainstreet: Mayor Dulaney reported that designs for the mural are being reviewed by the Board and should be finalized later this year of the first of 2022. The goal is to have the mural completed by RiverGate. A copy of the proposed mural was previously provided to the Board of Aldermen. The general sentiment expressed was that everyone like the design. Mayor Dulaney will let Ms. Withers know, but advised that no vote was needed.**
- Code Report: David Graves reported on code enforcement. Mr. Graves has been working on various issues particularly vehicles parking in the road for extended**

periods of time. Following a review of Mr. Graves report and after consideration of the information provided, Mr. Graves was thanked for his efforts.

Mayor Dulaney next stated that the Mayor and Board of Aldermen would hold a public hearing to consider the proposed re-zoning ordinance amendments concerning auto sales, auto repairs, bail bondsmen and short-term rentals, as well as allowing childcare as a conditional use in C-2 zone. A copy of notice which was published and posted was received. The proof of publication along with evidence of proper posting of the notice were directed to be included with the minutes.

#### **APPENDIX B – NOTICE OF RE-ZONING ORDINANCE AMENDMENTS HEARING & PROOF OF PUBLICATION**

A copy of the proposed re-zoning ordinance amendments was provided to the Board of Alderman. Bob Barber, with Orion Planning & Design, reviewed the overall zoning map and discussed each of the proposed amendments. It was discussed that the amendment would create a new zoning and would address automobile sales, automobile repairs and bail bond locations. Additionally, the amendment addressed short term rentals by including which zoning these are allowed in, providing a definition of the same, and providing criteria for operating these businesses. Finally, Mr. Barber discussed allowing childcare facilities in C2 as a conditional use. Following a review of the zoning and the proposed amendments by Mr. Barber, Mayor Dulaney opened the public hearing. Thereupon, with the public hearing opened, Mayor Dulaney stated that the Board of Aldermen was prepared to hearing comments from anyone present. There being no comments, Alderman Turner moved that the public hearing be closed. Alderman Fullilove seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted and the public hearing was closed.

The Mayor and Board next considered and discussed accepting and approving all the zoning amendment recommendations presented by Mr. Barber. Alderman Turner moved for the adoption of the following resolution:

#### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF TUNICA TO AMEND THE TOWN OF TUNICA ZONING REGULATIONS; AND FOR RELATED MATTER**

The Mayor and Board of Aldermen of the Town of Tunica acting for and on behalf of the Town of Tunica, hereby find, determine and adjudicate as follows:

1. The Board of Aldermen is authorized to enact zoning regulations and maps to provide for the general welfare of the community as well as to promote the health, safety and morals of the community (Section 17-1-3 of Mississippi Code of 1972, as amended);
2. The Board of Aldermen has previously adopted the Tunica County Zoning Regulations and Tunica County Zoning Map;
3. Various issues have been recently considered by the Town of Tunica Planning Commission relating to number of automobile sales and repairs facilities which are applying for business licenses. Many of these are only opened for a short time and they become hard to regulate. Several have become unattractive and have caused issues for the Town and adjacent properties. Additionally, there is a concern about bail bonding offices and the hours of their operations. Additionally, the Board has been made aware that daycares are not allowed in the Downtown business district (C2 zone). Daycares could provide a valuable service to the area and increase business activity downtown. Finally, the Board has considered the significant increase in short term rentals in various areas.

While there are currently no issues with short term rentals in Tunica, the Board discussed the need for some regulations as these could significantly impact quiet residential areas.

4. Various amendments have been proposed for the Town of Tunica Zoning Regulations and the Town of Tunica Zoning Map. Mr. Barber has carefully explained each of the proposed amendments. The amendments have been recommended by the Town of Tunica Planning Commission. A public hearing has been held and the Board of Aldermen has received no comments.
5. The proposed amendments will clarify and limit the location for automobile sales and repairs as well as bail bonding locations. These will make it easier and more efficient for the Town to regulate these activities. Additionally, by having all of these activities on only one side of US Highway 61, it will provide for a more attractive appearance for the area and will be more conducive to the residential areas located west of US Highway 61. The addition of the short term rental provisions will allow the Town of Tunica to better regulate these commercial type uses in residential areas. Also, it will provide accountability for the lessors and insure a safer accommodation for visitors. By allowing daycare in the downtown area (C2), the Board of Aldermen will be allowing a critical business service to be provided which will encourage additional economic activity downtown.

Now therefore, based on the above and foregoing, the Board of Alderman hereby resolves as follows:

1. The Town of Tunica Zoning Regulations and the Town of Tunica Zoning Map are hereby amended and modified as reflect on the Appendix C which is attached hereto and made a part hereof.
2. Said amendments shall be deemed effectively immediately.

Following the motion for the adoption of the foregoing resolution, Alderman Pierce seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Alderman present, the Mayor declared the same carried and adopted on this the 21<sup>st</sup> day of December, 2021.

#### **APPENDIX C – RE-ZONING ORDINANCE AMENDMENTS**

The Mayor and Board of Alderman of the Town of Tunica then discussed and considered the water adjustments for the last month(s) due to leaks that have now been repaired. The Board was advised that all of the leaks have been confirmed and that each has been repaired/addressed by the customer. Mr. Robinson had the required information for each available for review. Mr. Robinson confirmed that the proposed adjustments are in conformity with the Town's policy for water adjustments. Alderman Pierce moved the adjustments as presented by approved and that the necessary Town employees be authorized to take such action as is reasonably necessary to adjust the indicated customers water bills. Alderman Fyfe seconded. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

#### **APPENDIX D – WATER ADJUSTMENT RECOMMENDATIONS**

Granville Sherman, with North Delta Planning & Development District, Inc. (NDPDD) discussed available grant opportunities that would be beneficial for the town.

Following Mr. Sherman's report, the Mayor and Board of Alderman discussed and considered adopting and approving a resolution relating to CDBG application and authorizing NDPDD to execute and file the application for the Town of Tunica. Alderman

Pierce moved to approve the resolution authorizing NDPDD to prepare and submit CDBG Public Facilities application for the Town of Tunica. Alderman Fullilove seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

#### **APPENDIX E – CDBG RESOLUTION**

The Mayor and Board of Alderman also discussed and considered adopting and approving a resolution relating to USDA-Rural Development Grant, authorizing the Mayor of the Town of Tunica to sign any necessary documents to apply for and receive funds from Rural Development to purchase sewer pumps, control panels and related items in connection with the Town of Tunica's sewer system located outside the corporate limits for the use of the Town of Tunica sewer customers. Alderman Pierce moved to authorize Andrew T. Dulaney, Mayor, Town of Tunica to sign a pre-application and an application, and all other forms and instruments necessary to apply for and receive Rural Development funds from USDA for sewer pumping stations which serve sewer customers on the Town's system outside the corporate limits of the Town of Tunica. Alderman Fyfe seconded. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

#### **APPENDIX F – USDA-RURAL DEVELOPMENT RESOLUTION**

The Mayor and Board of Aldermen next considered and discussed the resolution approving the Rural Fire Truck Acquisition Grant for the purchase of a tanker truck. The Board has previously approved this. However, the Town is now ready to file for the Grant. The Board of Supervisors is required to adopt a resolution authorizing the Town to utilize the grant funds. Mayor Dulaney advised that he understands the Board of Supervisors adopted a resolution at its December 20, 2021, meeting. Alderman Turner moved to approve the resolution for the Rural Fire Truck Acquisition Grant for the purchase of a tanker truck. Alderman Pierce seconded. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

#### **APPENDIX G – RURAL FIRE TRUCK ACQUISITION GRANT RESOLUTION**

The Mayor and Board next discussed and considered travel requests. There were no travel request presented.

The Mayor and Board of Aldermen next considered holding an Executive Session, as authorized pursuant to Section 25-41-7, Mississippi Code of 1972, as amended. Alderman Fullilove moved that a closed determination be held to discuss whether an executive session is needed to be held and is appropriate. Alderman Pierce seconded the motion. Thereupon, the matter was put to a vote with the results as follows: Alderman Turner, yea; Alderman Hartsfield, absent; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the motion carried and the Mayor and Board held a closed determination on the issue of whether an executive session is necessary. Mayor Dulaney stated that the purpose for holding the executive session would be to discuss police and public works personnel (the "Executive Session Matter").

Based on this, Alderman Turner moved that the Mayor and Board of Aldermen hold an executive session to discuss, consider and act on the Executive Session Matter. Alderman Fyfe seconded the motion. The matter was put to a vote with the result as follows:

**Alderman Turner, yea; Alderman Hartsfield, absent; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the same carried and the Board entered executive session to consider the Executive Session Matters. Present during the executive session were the Mayor and all members of the Board of Aldermen who were present for the meeting, Town Clerk Pennock, Mr. Ryals, Town Attorney and Chief of Police Hatton.**

**During the executive session, the Executive Session Matter was discussed. Based on the discussion and recommendation of Chief Hatton, Alderman Turner moved that Alexis Nicks and Peter Bryok be hired by the Town of Tunica for the Police Department serving a patrol officers at \$17.00 per hour. Alderman Fullilove seconded the motion. The matter was put to a vote with the result as follows: Alderman Turner, yea; Alderman Hartsfield, absent; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the same carried and adopted.**

**The Mayor and Board also discussed and considered in executive session increasing hours for a public works employee in the sanitation department. Alderman Turner moved that John L. Watson be hired as a fulltime employee for the sanitation department, increasing his hours to 40 hours per week. Alderman Fyfe seconded. The matter was put to a vote with the result as follows: Alderman Turner, yea; Alderman Hartsfield, absent; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the same carried and adopted.**

**Following the discussion, Alderman Pierce moved to leave executive session. Alderman Turner seconded the motion. The matter was put to a vote with the result follows: Alderman Turner, yea; Alderman Hartsfield, absent; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the same carried and the Board ended the executive session and returned to open meeting. Mayor Dulaney announced the action taken during executive session.**

**With no other business, Alderman Turner moved to adjourn the meeting. Alderman Fyfe seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted, and the meeting adjourned at approximately 4:03 p.m. this 21<sup>st</sup> day of December 2021.**

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**Andrew T. Dulaney, Mayor**

**ATTEST:**

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**Kate Scott Pennock, Town Clerk**

**APPENDIX A – ATTENDANCE SHEET**

**APPENDIX B – NOTICE OF RE-ZONING ORDINANCE AMENDMENTS HEARING & PROOF OF PUBLICATION**

**APPENDIX C – RE-ZONING ORDINANCE AMENDMENTS**

**APPENDIX D – WATER ADJUSTMENT RECOMMENDATIONS**

**APPENDIX E – CDBG RESOLUTION**  
**APPENDIX F – USDA-RURAL DEVELOPMENT RESOLUTION**  
**APPENDIX G – RURAL FIRE TRUCK ACQUISITION GRANT RESOLUTION**